

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

KEVIN SCOTT,

Plaintiff

VS.

Deputy Warden SAMUEL LACEY,
et al.,

Defendants

NO. 1:05-CV-158(WLS)

PROCEEDINGS UNDER 42 U.S.C. § 1983
BEFORE THE U.S. MAGISTRATE JUDGE

ORDER

Pro se plaintiff **KEVIN SCOTT** was previously ordered by the undersigned to pay the sum of \$5.83 as an initial partial filing fee in this case. Plaintiff indicates that on December 16, 2005, prison officials mailed a check to the Clerk of this Court in the amount of \$20.00 in response to said order. However, the records of this Court do not reflect that such a check was received. Following up on the matter, a staff attorney with the Court contacted the business manager for Calhoun State Prison. Said business manager advised the staff attorney that a check in the amount of \$20.00 was, in fact, mailed on December 16, 2005, but to the Southern District of Georgia, Augusta Division, for a case plaintiff is litigating there, *Scott v. McGahee*, civil action number 1:05-cv-192-DHB-WLB.

Based on the foregoing, plaintiff remains obligated to pay the \$5.83 initial partial filing fee in this case and will be given an additional opportunity to pay. Plaintiff is hereby **ORDERED** to submit to the Clerk of this Court an initial partial filing fee of \$5.83, with the case number 1:05-cv-158(WLS) written on the face of the check. Plaintiff shall have twenty (20) days from the date of his receipt of this order to pay the required fee to the Clerk of this Court or to explain his inability to do so. Failure to comply with this order shall result in the dismissal of plaintiff's complaint.

SO ORDERED, this 5th day of January, 2006.

/s/ Richard L. Hodge
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE